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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 OAKLAND DIVISION

12 MARGIE MCRAE,) No. C 07-1538 MJJ
 13 Plaintiff,) Related to C 06-1999 MJJ
 14 v.)
 15 MICHAEL J. ASTRUE, COMMISSIONER) **PROPOSED ORDER GRANTING**
 OF THE SOCIAL SECURITY) **MOTION TO DISMISS**
 16 ADMINISTRATION; GEORGE W. BUSH,)
 PRESIDENT OF THE UNITED STATES)
 17 OF AMERICA,)
 18 Defendants.)
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 22 Date: September 25, 2007
 Time: 9:30 a.m.
 Ctrm: 11, 19th Floor
 Address: 450 Golden Gate Avenue,
 San Francisco, CA 94102

21 FOR GOOD CAUSE SHOWN, the motion to dismiss is GRANTED.

22 Plaintiff's claims in Count Four, Five and Six are dismissed with prejudice. Count Four
 23 is for slander per se, which is prohibited by the express terms of the Federal Tort Claims Act.
 24 Count Five is a contract-based claim and this Court previously determined that plaintiff cannot
 25 sue the Federal Government for such a claim in this Court. Count Six is a claim for declaratory
 26 relief that is part of plaintiff's claim of breach of employment contract, and this Court previously
 27 determined such claims cannot be brought in this Court.

28 Plaintiff's claims in Count One, Two and Three are dismissed without prejudice. First,

1 plaintiff has not plead or shown exhaustion of required administrative remedies before filing suit.
2 Furthermore, these are claims of employment discrimination under Title VII, which prohibits
3 discrimination and retaliation for protected conduct or status, respectively, in federal
4 employment. As such, these claims should be brought in this Court, if at all, once plaintiff's
5 declaratory relief claims are resolved in their proper forum.

6 **IT IS SO ORDERED.**

7 DATED: September __, 2007

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9 HON. MARTIN J. JENKINS
United States District Judge

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